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ELECTRONIC FILING

May 20, 2005

Ms. Elizabeth O'Donnell
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602

Re: Case No. 2004-00427

Dear Ms. O'Donnell,

Cinergy Communications Company requests that the Commission take official notice of the October 7, 2004 order issued by U.S. District Judge Sam Sparks granting a cross motion for summary judgment to the Texas Public Utilities Commission in *Sage Telecom, LP v. Public Utilities Commission of Texas*. This order, filed herewith as Exhibit 1, upheld the Texas PUC's decision to require SBC to file a "commercial agreement" for review and approval.

I certify that this filing was uploaded electronically today to the Commission's web filing portal, and that the electronic version is a true copy of the document filed in paper form.

Sincerely yours,

Douglas F. Brent

DFB:jms